IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.102 OF 2007

Mr.Rakesh Kashinath Mhatre ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.B.G.Tangsali, Advocate for the Applicant.
Mr.V.B.Konde-Deshmukh, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 14th March, 2007.

P.C.:

1. Heard the learned Advocate for the applicant and the learned APP for the State.

2. Rule. By consent rule is made returnable forthwith and heard finally.

3. The applicant-orig.accused No.1 has been convicted under Sections 326 of IPC by the learned JMFC, Vashi by judgment and order dated 4.1.2005 in R.C.C.No.817 of 2001. By the said judgment and order the learned Sessions Judge sentenced the applicnt to suffer RI for three years and fine of Rs.1000/- in default RI for six months. Being

aggrieved by the said judgment and order the applicant preferred Criminal Appeal No.3 of 2005. The Sessions Judge, Thane by judgment and order dated 26.2.2007 dismissed the said Appeal. Being aggrieved thereby, this Revision has been preferred by the applicant.

4. Mr.Tangsali, the learned Advocate for the applicant, on instructions, states that the applicant is not challenging his conviction. However, it is prayed that the sentence of imprisonment may be reduced and instead the fine may be substantially increased.

5. The learned APP states that if the fine amount is substantially increased, he does not have any serious objection to period of imprisonment being reduced to the period already undergone by the applicant.

6. In view of the above, the conviction of the applicant is confirmed. However, the sentence of imprisonment is reduced to the period already undergone by the applicant and fine amount of Rs.1000/- as imposed by the learned JMFC is

increased to Rs.18,000/-. It is stated that the fine amount of Rs.1,000/- as imposed by the learned JMFC has already been deposited by the applicant. In such case, the applicant will have to deposit the remaining fine amount of Rs.17,000/-. The said fine amount of Rs.17,000/- to be deposited within three weeks from today before the trial Court. In case the applicant fails to deposit the said fine amount within the said period the order of the learned Magistrate and learned Sessions Judge shall stand revived.

7. Criminal Revision Application is partly allowed.

(SMT.V.K.TAHILRAMANI,J.)